



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2020-0053; FRL-8792-05-OCSP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities (November 2021)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest as shown in the body of this document, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

Due to the public health concerns related to COVID-19, the EPA/DC and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on the EPA/DC and docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305-7090, email address: RDFRNotices@epa.gov; or

Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305-7090, email address: *BPPDFRNotices@epa.gov*. The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the

information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this

rulemaking. The docket for this petition is available at <https://www.regulations.gov>.

As specified in FFDCFA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notification of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

A. Amended Tolerance Exemptions for Non-Inerts (Except PIPS)

1. *PP IF8916*. (EPA-HQ-OPP-2021-0516). ICA TriNova, LLC. 1 Beavers Street, Suite B, Newman, GA 30263, requests to amend the existing exemption from the requirement for a tolerance for residues of chlorate resulting from the application of gaseous chlorine dioxide as a fungicide, bactericide, and antimicrobial at 40 CFR 180.1364 to include residues in or on raw agricultural commodities from crop group 1 (root and tuber vegetables), crop group 3 (bulb vegetables), crop group 8 (fruiting vegetables), crop group 9 (cucurbit vegetables), crop group 10 (citrus), crop group 11 (pome fruits), crop group 12 (stone fruits), crop group 14 (tree nuts), crop group 16 (forage, fodder, and straw of cereal grains), crop group 17 (grass forage, fodder, and hay), crop group 18 (non-grass animal feeds), crop group 21 (edible fungi), crop group 23 (tropical and subtropical fruits, medium and large, smooth inedible peel). The petitioner believes no analytical method is needed because the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation. *Contact: AD*.

2. *PP IF8918* and *PP IF8928*. (EPA-HQ-OPP-2021-0632). FBSciences, Inc., 153 N. Main St. Ste 100, Collierville, TN 38017, requests to amend an exemption from the requirement of a tolerance in 40 CFR 180.1321 for residues of the plant growth regulator, nematicide, fungicide and insecticide complex polymeric polyhydroxy acids (CPPA) in or on all food commodities. The petitioner believes no analytical method is needed because the ingredient is currently exempt from the requirement of a tolerance for two of the four proposed uses. No toxic endpoints have been identified. *Contact: BPPD*.

B. New Tolerance Exemptions for Inerts (Except PIPS)

1. *PP IN-11565*. (EPA-HQ-OPP-2021-0642). Exponent, Inc., 1150 Connecticut Ave., NW Suite 1100, Washington DC, 20036 on behalf of Tygrus, LLC (1132 E. Big Beaver Road, Troy, MI 48083) requests to establish an exemption from the requirement of a tolerance for residues of calcium sulfate (CAS Reg. No. 7778-18-9) for use as an inert ingredient in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils under 40 CFR 180.940(a), limited to 100 parts per million (ppm). The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact*: RD.

C. New Tolerances for Non-Inerts

PP IE8946. (EPA-HQ-OPP-**2021-0729**). Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419, requests to establish import tolerances in 40 CFR part 180 for residues of the fungicide, Azoxystrobin (methyl (E)-2-{2-[6-(2-cyanophenoxy)pyrimidin-4-yloxy]phenyl}-3-methoxyacrylate) and the Z isomer of Azoxystrobin (methyl (Z)-2-{2-[6-(2-cyanophenoxy)pyrimidin-4-yloxy]phenyl}-3-methoxyacrylate), in or on mango at 8 ppm; papaya at 6 ppm; and palm, oil at 0.06 ppm. Gas chromatography with nitrogen-phosphorus detection (GC-NPD) or in mobile phase by high performance liquid chromatography with ultra-violet detection (HPLC-UV) is used to measure and evaluate the chemical, Azoxystrobin and its Z isomer. *Contact*: RD.

Authority: 21 U.S.C. 346a.

Dated: November 10, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

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